

# The Judicial Branch – Interpreting the Laws

The Supreme Court and Federal Courts

## The Court System

- Legal conflicts are resolved by courts of law.
- All courts perform the same basic function: to apply the law to an actual situation.
- Two kinds of legal conflicts; criminal cases determine whether a person accused of a crime is guilty or innocent, and civil cases settle disagreements.

## Interpreting the Law

- In the process of hearing a case, a court may have to decide what the law in question means. A court may also have to decide if a law is constitutional.
- A court's decision can have broad effects by establishing a precedent (a guideline for how all similar cases should be decided in the future).

## Federal Courts and State Courts

- Two separate but interconnected court systems – state and federal courts.
- Most legal cases begin in a lower court.
- Each state has courts at different levels of government and courts for different purposes (i.e. traffic or juvenile courts).
- Decisions that establish broad precedents are made in the highest federal courts.

## Cases Heard by Federal Courts

- Federal courts hear 2 kinds of cases: Cases involving federal laws and issues beyond the authority of the states, and cases appealed from state supreme courts.
- This gives the United States Supreme Court and the federal judicial branch the leadership role in our legal system.

## Organization of Federal Courts

- Special Federal Courts (i.e. Tax Court)
- 94 District Courts (Original Jurisdiction)
- 12 Circuit Courts (Court of Appeals)
- Supreme Court (Highest Court)
- Federal Court judges must be impartial, favoring neither one party or another. All federal judges are appointed by the President and confirmed by the Senate.
- Judges serve life terms and can be removed from office only by impeachment.

## Judicial Review

- Judicial Review is the power to overturn any law which the Court decides is in conflict with the Constitution. However, the Court is limited to the cases it receives to interpret the law.

- Marbury V. Madison established the legal precedent of judicial review. Since then, over 1,000 state and local laws and over 100 federal laws have been overturned.

### **The Work of the Supreme Court**

- Each year, the nine justices choose which cases to hear from among the more than 7,000 requests the Court receives.
- Generally, the Court will choose those cases which raise the most important constitutional issues.
- When a case is accepted, each side in the case submits briefs, or written arguments. The justices study the briefs. Attorneys for each side then present brief oral arguments before the Court. The justices will ask many questions of the attorneys.

### **The Work of the Supreme Court**

- After hearing arguments, the Court meets in conference to discuss the case and vote on it. A simple majority decides the case.
- Most Supreme Court decisions are accompanied by a written opinion, explaining the reasons behind the decision. A justice who does not agree with the majority decision may write a dissenting opinion.

### **Influences on Judicial Decision Making**

- The justices must consider all related precedents that have been established. A basic principle of the legal system is to respect past judicial decisions.
- The justices must also consider the intentions of the lawmakers at the time the law was made.
- The justices are also affected by their own personal beliefs and opinions. Though justices try to remain impartial, Presidents naturally try to appoint to the Court people who agree with their political views.

### **A Changing Court**

- Since the 1950's, the Court is said to have had different personalities, each reflecting the views of the Chief Justice at the time.
- Judicial Activism is an effort by judges to take an active role in policy making by overturning laws relatively often (typified by the Warren Court).
- Judicial Restraint is an effort by judges to avoid overturning laws (typified by the Burger Court).

### **The Court and the Other Branches of Government**

- One of the checks on the Supreme Court is the President's power to appoint justices.
- The Senate can check the power of both the President and the Supreme Court by refusing to confirm appointments.
- Congress can also check the power of the Court by adding a constitutional amendment.